

REMARKS

Claims 1-27 are pending in this application, with claims 1, 10, 15, 16, and 23 being independent. Claims 1, 10, 15, 16 and 23 have been amended. Favorable reconsideration is respectfully requested.

The Office Action objects to the drawings, as failing to comply with 37 CFR 1.84(p)(5), noting specifically that the drawings include the following reference signs not mentioned in the specification: S200 in Fig. 2; 51 in Fig. 5; and 71 in Fig. 7. In response, Applicant has amended the Specification to mention these reference signs. The Examiner will readily appreciate that no new matter has been added. Applicant respectfully submits that the drawings and specification now comply fully with 37 CFR 1.84(p)(5), and respectfully requests the Examiner to remove the objection.

The Office Action rejects claims 1 and 7-9 under 35 U.S.C. § 101, as directed to non-statutory subject matter, contending specifically that the claims lack structural specificity and are directed to a process that does nothing more than manipulate an abstract idea. Applicant respectfully disagrees with this position. The invention as recited in claim 1 is not directed to a process that does nothing more than manipulate an abstract idea at all. Instead, it is directed to a computer that produces useful, concrete and tangible results, such as, among other things, the transmission of shipping label data to another computer. Applicant accordingly respectfully submits that claim 1 and its dependent claims 7-9 are in full compliance with Section 101, and respectfully requests the Examiner to remove the Section 101 rejection.

The Office Action rejects claims 1, 5-6, 10, 13, 15-16, 22-23 and 26 under 35 U.S.C. § 103(a) as obvious from “USPS” (a collection of four articles, designated by the Examiner as U, V, W and X, concerning the U.S. postal services’ software program “Returns@ease”) in view of “SmartShip” (a collection of two articles designated by the Examiner as UU and VV). The Office Action also rejects the dependent claims under Section 103, as obvious from USPS and SmartShip combined with various other references, as set forth in paragraphs 4-8 of the Office Action. These rejections are respectfully traversed.

As recited in independent claim 1, the present invention relates to a computer on a network that effects the return of a consumer product for recycling. The computer is adapted to receive from another computer on the network consumer information, which includes an identification of the consumer product and also the present location of the consumer product. The computer automatically determines a destination for the consumer product based upon the received identity of the product and its received present location, and automatically determines the carrier service that will deliver the product to the destination based upon the product’s received present location and the location of the automatically determined destination. The computer further transmits to the other computer shipping label data, which includes an identification of the automatically determined destination and an identification of the automatically determined carrier service.

Independent claim 10 relates to a method for effecting consumer product returns for recycling over a network. Independent claim 15 relates to a computer operatively connected to a printer and located on a network. Independent claim 16 relates to a system for effecting the return of a consumer product. And independent claim 23 relates to computer code for effecting the return of a consumer product. All of those claims recite the salient features discussed above. Specifically, like claim 1 all of those claims recite:

- an AUTOMATICALLY DETERMINED DESTINATION, determined based on the RECEIVED identity of the consumer product and the RECEIVED present location of the consumer product; and
- an AUTOMATICALLY DETERMINED CARRIER SERVICE, determined based upon the RECEIVED present location of the consumer product, and the AUTOMATICALLY DETERMINED destination.

Neither of those features is taught or suggested by the prior art.

Methods of returning consumer products for recycling exist in the art. In conventional systems, a pre-printed shipping label is included with the product when it is purchased, so that a consumer who wishes to return that product may use that pre-printed label to effect the return. The consumer boxes the product, affixes the label to the box and ships it to the pre-printed destination.

While generally good for their intended applications, such conventional systems have certain drawbacks, which stem from their static and inflexible nature. One drawback is that if the label included in the original packaging is lost, the consumer cannot readily effect the return. Another drawback is that the manufacturer must select the

destination for the consumer product when the product is initially packaged, and cannot change the destination thereafter. And because the selection must be made at the time the product is packed, before the manufacturer knows in whose hand the product will wind up, it cannot be tailored to a specific consumer. Thus, the manufacturer cannot direct the consumer product being returned to a destination closer to the consumer.

The present invention overcomes these drawbacks by providing a method or system for effecting product returns for recycling, in which a computer automatically determines a destination for the product based upon the received product type and received present location, and automatically determines a carrier service for the product based upon the received present location and the automatically determined destination. Then, the computer transmits shipping label data that includes the destination of the consumer product and a identification of the carrier service. By providing a recycling system which operates in this fashion, the present invention is dynamic and flexible, and overcomes the drawbacks that have plagued the prior art.

The Examiner contends the software program Return@ease allows customers to notify a participating Web merchant about the item they wish to return, and print out a pre-paid merchandise return label from the company's Web site. The Office Action notes that USPS does not disclose automatically determining a present location of the merchandise, but contends that that feature is disclosed by SmartShip (which it contends teaches using a customer zip code and shipping destination zip code to compare shipping rates and select among a finite list of competing carriers displayed to the user),

and contends that it would have been obvious to modify USPS to include zip code information to a determine present location of the merchandise. As set forth below, however, at least two salient features of the present claims are not taught or suggested by USPS and Smartship:

Neither USPS Nor SmartShip Teaches An Automatically Determined Destination

USPS describes on the Return@ease program, which purportedly allows customers to notify a participating Web merchant about an item that they wish to return, and within seconds print out a pre-paid merchandise return label from the Company's retail Web site. However, in USPS, the destination for the product is clearly fixed, and is not automatically determined at all, let alone automatically determined based on a received product identity and a received current location. Indeed, the merchant Web site in USPS never even receives the present location of the product to be returned. Without receiving that information, it cannot possibly automatically determine a destination based upon it.

SmartShip also does not teach or suggest automatically determining the destination. To the contrary, in SmartShip, the customer enters the zip codes of both the departure and the arrival cities for the package. See, e.g., UU at 1 ("By entering the zip codes of the departure and arrival cities of a package, users can compare Priority Mail service with other delivery services, including pricing, transmit time and drop-off locations and deadlines"); VV at 1 ("Simply plug in the zip code of your pick-up location and your parcel's destination, the type of package, and the desired delivery date and time"). Thus,

the user in SmartShip must begin knowing destination. This is in stark contrast to the present invention, in which the destination is automatically determined, in the manner set forth in the claims.

Neither USPS Nor SmartShip Teaches An Automatically Determined Carrier Service

In USPS, the carrier service is not automatically determined, but rather fixed at a single carrier service, namely the United States Postal Service. Indeed, the very purpose of the Return@ease software is to increase the use of the U.S. Postal Service in connection with online transactions. See, e.g., X at 3 (“Postal officials are hoping to solidify and even expand their place in the e-commerce shipping realm by mastering the process of returning unwanted merchandise.”) Incorporating into the software functionality to automatically determine the carrier service would completely frustrate that goal.

SmartShip also does not teach or suggest automatically determining the carrier service. In Smart Ship, the customer enters the departure and arrival zip codes, and is then presented with a set of options for carriers from which he may select. See, e.g., VV at 1 (“SmartShip will provide you with a complete list of carriers, including shipping standbys like Airborne Express, Federal Express, and United Parcels Service (UPS), as well as local options that you might not know exist.”) The actual carrier is selected manually by the customer, and not automatically determined in any way.

* * *

Accordingly, Applicant respectfully submits that independent claims 1, 10, 15, 16 and 23 are clearly patentable over USPS and SmartShip, taken either alone or in combination, and respectfully requests the Examiner to remove the Section 103 rejections.

The remaining claims depend from one of independent claims 1, 10, 15, 16, and 23, and each partakes in the novelty and non-obviousness of its respective base claim. These dependent claims recite additional patentable features of the present invention as well, and individual reconsideration of each is respectfully requested

CONCLUSION

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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